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Subject : Amended proposal for a Council Directive on minimum standards on procedures  
in Member States for granting and withdrawing refugee status  
- Minimum common list of safe countries of origin

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Delegations will find attached the reply from the **French** delegation.

### Assessment template

To be completed by Member States in respect of each of the 10 countries under consideration and returned to the Council Secretariat by 8 June 2004

Name of Member State	FRANCE
Name of country for designation	BENIN

<b>QUESTIONS</b>	<b>YES/NO</b>	<b>BASIS FOR RESPONSE</b>	<b>Details of supporting information sources other than those at Annex B. Please indicate if these are publicly available</b>
1. Does the country have a democratic system in place?	YES	Frequently leading the way in Africa, in particular by organising the first “national conference” bringing together representatives of the various movements within the country, Benin has created all the	Diplomatic correspondence with restricted access

		<p>institutions necessary to make it a democracy.</p> <p>After 18 years of military and marxist rule, in 1990 Benin embarked on a transition to democracy, which is now complete. Political life is marked by a growing number of parties. The institutions are respected, particularly by the executive. There is no serious infringement of individual and collective freedoms. The press enjoys freedom of expression.</p> <p>In the March 1996 presidential elections, Mathieu Kérékou defeated Nicéphore Soglo, the outgoing President and candidate for the Benin Renaissance Party. The Benin Renaissance Party was returned to power in the March 1999 elections (with 27 MPs out of</p>	
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		<p>83). At the end of the second round of the March 2001 presidential elections, which was boycotted by the main opposition candidates, Mr Soglo and Mr Houngbedji, in protest at the conditions under which the first round had been conducted, despite the generally positive assessment of the observers, Mr Kérékou, who was standing for a second term of office, was declared the winner by the Constitutional Court with 83.64% of the votes.</p> <p>5 709 candidates contested 1,199 local and municipal council seats at the first municipal elections in December 2002. The results of these elections showed stability in the electorate, at least in rural areas, where the presidential movement, generally within the Union for Benin of the Future (UBF), is the majority force.</p> <p>The March 2003 general elections resulted in a majority for the presidential movement</p>	
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		parties (65 of 83 seats), with Adrien Houngbedji's Democratic Renewal Party, previously in the opposition, switching sides.	
2. Is there a situation of internal or international armed conflict in the country?	NO	Benin is fulfilling its obligations in regional integration matters and contributes to conflict resolution in the subregion. During its presidency of the ECOWAS (mid 1992 to mid 1994), Benin played a constructive role in the Liberia crisis (the Cotonou Agreement in July 1993) and in the Guinea Bissau conflict (ECOMOG contingents). Benin is present in Côte d'Ivoire through MICECI (the ECOWAS Mission in Côte d'Ivoire) (270 men) and in Liberia through the UNMIL (250 men). Benin participates in the Africa peace-keeping exercises within the framework of RECAMP	

		<p>IV.</p> <p>In June 2001 Benin and Niger agreed to submit their dispute over Lété Island on the Niger river to the International Court of Justice.</p>	
<p>3. Is there generally and consistently no persecution as defined in Article 9 of the Qualification Directive in the country?</p>	<p>YES</p>	<p>No political opponents or journalists are in jail.</p> <p>There is no serious infringement of individual and collective freedoms. The press enjoys freedom of expression. Excesses can occur during the breaking-up of demonstrations. The most serious problems arise from common law violence, precarious living conditions in prisons and violence towards women.</p>	

<p>4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?</p>	<p>YES</p>	<p>Genital mutilation, which affects only a small proportion of the Muslim population (around 20% of the Benin people are Muslim), is suppressed under the African Charter on the Rights and Welfare of the Child, to which Benin acceded in 1990, and a law of May 2003. The maximum penalties are 10 years' imprisonment and a fine of six million CFA francs. In 1996 the government ran a large-scale campaign against excision. Local NGOs are also involved in the campaigns to abolish this practice, which is declining steadily.</p>	
<p>5. Where there is a situation of internal or international armed conflict in the country is there generally and consistently no threat by reason of indiscriminate violence in the country?</p>		<p>N/A</p>	

6. Is the extent to which protection is provided against persecution or mistreatment by means of (a) – (d) below sufficient to show that there is generally and consistently no persecution or mistreatment in the country?			
(a)	the relevant laws and regulations of the country and the manner in which they are applied	YES	<p>The courts function properly and apply human rights legislation.</p> <p>A unit for the development of ethics in public life has been set up under the President of the Republic to combat corruption within the judiciary. The seminar organised at the beginning of April in Cotonou on increasing awareness of the fight against corruption was the first of its kind in West Africa. The judges' union went on strike in 2003 for more resources.</p>



(b)	observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention	OUI	<p>Benin has acceded to the following international treaties concerning respect for human rights:</p> <ul style="list-style-type: none"> <li>- Convention relating to the Status of Refugees (1951);</li> <li>- Protocol relating to the Status of Refugees (1967);</li> <li>- International Convention on the Elimination of All Forms of Racial Discrimination (1965);</li> <li>- International Covenant on Civil and Political Rights (ICCPR, 1966);</li> <li>- First Optional Protocol to the ICCPR (1966);</li> <li>- International Covenant on Economic, Social and Cultural Rights (1966);</li> <li>- Convention on the Elimination of All Forms of Discrimination against Women (1979);</li> </ul>	
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(c)	respect of the non-refoulement principle according to the Geneva Convention	YES	<ul style="list-style-type: none"> <li>- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984);</li> <li>- Convention on the Rights of the Child (1990);</li> <li>- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (2000, not yet ratified by Benin);</li> <li>- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (not yet ratified by Benin);</li> <li>- Rome Statute of the International Criminal Court (to which Benin became a party in 2002).</li> </ul>	
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(d)	provision for a system of effective remedies against violations of these rights and freedoms	NO	<p>Benin has acceded to the following regional treaties (within the framework of the African Union):</p> <ul style="list-style-type: none"> <li>- Convention governing the Specific Aspects of Refugee Problems in Africa (1974);</li> <li>- African Charter on Human and Peoples' Rights (1981):</li> <li>- African Charter on the Rights and Welfare of the Child (1990).</li> </ul>	
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<b>OVERALL ASSESSMENT</b>		
1. Do you consider that the information sources listed at Annex B are sufficient for the purpose of conducting the in-depth assessment referred to by the JHA Council with regard to this country?	<b>YES/NO</b>	<b>Insert basis for response</b>
	NO	
2. If you answered no to Q 1 please specify: in which areas you consider the information sources to be insufficient; and any other sources of information available to you which would assist discussions and which you are in a position to share with other Member States (Provide website address or other details).	Benin has the unusual privilege of not appearing in Amnesty International's 2002 and 2003 reports.	
3. Is the country suitable for inclusion on the minimum common list?	<b>YES/NO</b>	<b>Insert basis for response</b>
	YES	.

**Assessment template**

To be completed by Member States in respect of each of the 10 countries under consideration and returned to the Council Secretariat by 8 June 2004

Name of Member State	FRANCE
Name of country for designation	BOTSWANA

QUESTIONS	YES/NO	BASIS FOR RESPONSE	Details of supporting information sources other than those at Annex B. Please indicate if these are publicly available
1. Does the country have a democratic system in place?	Yes	Botswana is a country with a democratic tradition where the opposition is represented in Parliament and is not subject to any harassment.	Diplomatic correspondence. Restricted circulation.

2. Is there a situation of internal or international armed conflict in the country?	No	Not applicable.	<i>Ibid.</i>
3. Is there generally and consistently no persecution as defined in Article 9 of the Qualification Directive in the country?	Yes	The authorities are suspected of wanting to displace the <u>Bushmen</u> in order to exploit the mining resources in their territories. However, the latest report by the European Union Heads of Mission does not establish any connection between the relocation of these people and mining. President Mogae is to have the Constitution revised in 2004 so that all tribes without exception are recognised.	<i>Ibid.</i>

<p>4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?</p>	<p>Yes</p>	<p>The Botswanian police wants to be well-regarded by the public. It considers its users as "customers" and is constantly trying to improve the service it provides. Internal assessment procedures are in place and made public.</p> <p>The country still applies the death penalty. Its application, which does not offend local public opinion, is presented as a deterrent against crime. 38 people, including three women, have been executed for murder since 1966.</p>	<p><i>Ibid.</i></p>
<p>5. Where there is a situation of internal or international armed conflict in the country is there generally and consistently no threat by reason of indiscriminate violence in the country?</p>		<p>Not applicable.</p>	<p><i>Ibid.</i></p>

6. Is the extent to which protection is provided against persecution or mistreatment by means of (a) – (d) below sufficient to show that there is generally and consistently no persecution or mistreatment in the country?		The second chapter of the Constitution guarantees fundamental rights.	
(a)	the relevant laws and regulations of the country and the manner in which they are applied	Yes	Human rights protection is adequate in terms of the existing laws: the Constitution guarantees respect for human rights. Laws are applied to all Botswanians without discrimination. The courts in Botswana, although slow, reinforce the rule of law. The rights of the defence are respected. Judges are independent.



(b)	observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention	Yes	<p>Accession to the main international human rights conventions.</p> <p>The human rights and freedoms included in the European Convention are respected. The death penalty is applied in accordance with the law. The press is independent and pluralist. The multi-party system works, and elections are free and fair. Allegations of discrimination against Basarwa have never been backed up by concrete proof. On the contrary, the more vulnerable among that section of the population are supported by government aid programmes.</p>	<i>Ibid.</i>
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(c)	respect of the no-refoulement principle according to the Geneva Convention	Yes	Botswana shelters Namibian political refugees under the Geneva Convention (accession in 1968).	<i>Ibid.</i>
(d)	provision for a system of effective remedies against violations of these rights and freedoms	Yes	<p>The judicial system is independent and impartial. Court action is effective and judgments are accepted by the State.</p> <p>Human rights violations, if and when committed, are liable to prosecution. Court action is being taken against displacements of the Bushmen. They are claiming, in particular, their rights of ownership of the land they have had to leave. A lawyer is officially appointed ("<i>pro deo</i>" system) where the death penalty is imposed. However, such lawyers receive a minimal salary and are sometimes incompetent. An association ("<i>Ditshwanelo</i>"), which, in addition to its role as monitor of the rule of law and the treatment of minorities, offers legal assistance for the most underprivileged sections of the population.</p>	<i>Ibid.</i>

<b>OVERALL ASSESSMENT</b>		
1. Do you consider that the information sources listed at Annex B are sufficient for the purpose of conducting the in-depth assessment referred to by the JHA Council with regard to this country?	<b>YES/NO</b>	<b>Insert basis for response</b>
	Yes	The information is sufficient. Botswana is a transparent country which allows human rights assessments.
2. If you answered no to Q 1 please specify: in which areas you consider the information sources to be insufficient; and any other sources of information available to you which would assist discussions and which you are in a position to share with other Member States (Provide website address or other details).		
3. Is the country suitable for inclusion on the minimum common list?	<b>YES/NO</b>	<b>Insert basis for response</b>
	Yes	Botswana is one of the most stable and democratic countries in Africa. It is a middle-income country. It is exemplary on a number of counts, and in March 2004 hosted the fifth world assembly of Civicus (grouping of human rights defence associations)

**Assessment template**

To be completed by Member States in respect of each of the 10 countries under consideration and returned to the Council Secretariat by 8 June 2004

Name of Member State	FRANCE
Name of country for designation	CAPE VERDE

QUESTIONS	YES/NO	BASIS FOR RESPONSE	Details of supporting information sources other than those at Annex B. Please indicate if these are publicly available
1. Does the country have a democratic system in place?	YES	The democratic nature of the regime is indisputable. Elections at three levels (presidential; parliamentary, leading to formation of the government; and local) are held	Diplomatic correspondence (restricted)

		<p>in accordance with the time limits fixed by law and under guarantees of honesty and transparency</p> <p>During the last presidential election in 2001, the two candidates were separated only by a difference of 12 votes, following a phase of electoral disputes settled by the Supreme Court of Justice.</p> <p>This situation was confirmed by the local elections in March 2004. In fact the opposition (which is virtually evenly matched with the governing party PAICV as regards the number of votes), now controls 11 of the 17 municipalities of the archipelago.</p> <p>Democracy is not only enshrined in legislation, but put into practice on a day-to-day basis by all those involved in political life. The press frequently adopts a very liberal tone. It therefore constitutes a guarantee that the regime functions in a democratic manner, and would not fail to condemn any aberrations.</p>	
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2.	Is there a situation of internal or international armed conflict in the country?	NO		
3.	Is there generally and consistently no persecution as defined in Article 9 of the Qualification Directive in the country?	YES	No cases of persecution have been reported	
4.	Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?	YES	No cases of torture or degrading treatment have been reported	
5.	Where there is a situation of internal or international armed conflict in the country is there generally and consistently no threat by reason of indiscriminate violence in the country?	YES		

<p>6. Is the extent to which protection is provided against persecution or mistreatment by means of (a) – (d) below sufficient to show that there is generally and consistently no persecution or mistreatment in the country?</p>	<p>Yes, Cape Verde is a country with sound institutions, which is very attached to respect for human rights and democratic procedures. The 1980 Constitution already ensured respect for human rights and fundamental freedoms. Following a revision in 1992, the Cape Verdean Constitution now provides even more guarantees in this area (a reference to the Universal Declaration of Human Rights, which it undertakes to respect; Article 11 proclaims respect for international law and principles relating to human rights; Article 12 recognises the primacy of international law over national law).</p>		
<p>(a)</p>	<p>the relevant laws and regulations of the country and the manner in which they are applied</p>		<p>It may be noted that the courts are overworked, and that there are only a few judges, who sometimes have incomplete training. Guarantees in this area might therefore sometimes be considered as having room for improvement.</p>

(b)	observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention		The Constitution refers to the Universal Declaration of Human Rights, which it undertakes to respect. Article 11 proclaims respect for international law and principles relating to human rights. Article 12 recognises the primacy of international law over national law.	
(c)	respect of the non-refoulement principle according to the Geneva Convention		no data	
(d)	provision for a system of effective remedies against violations of these rights and freedoms	YES		



<b>OVERALL ASSESSMENT</b>		
1. Do you consider that the information sources listed at Annex B are sufficient for the purpose of conducting the in-depth assessment referred to by the JHA Council with regard to this country?	<b>YES/NO</b>	<b>Insert basis for response</b>
	YES	
2. If you answered no to Q 1 please specify: in which areas you consider the information sources to be insufficient; and any other sources of information available to you which would assist discussions and which you are in a position to share with other Member States (Provide website address or other details).		
3. Is the country suitable for inclusion on the minimum common list?	<b>YES/NO</b>	<b>Insert basis for response</b>
	YES	

**Assessment template**

To be completed by Member States in respect of each of the 10 countries under consideration and returned to the Council Secretariat by 8 June 2004

Name of Member State	France
Name of country for designation	Chile

QUESTIONS	YES/NO	BASIS FOR RESPONSE	Details of supporting information sources other than those at Annex B. Please indicate if these are publicly available
1. Does the country have a democratic system in place?	Yes	Chile today has a democratic government resulting from free elections based on a multi-party system.. It is quite possible that there will a change in government at the next presidential election (2005). After a military dictatorship lasting more than 16 years (1973-1989), transition was entrusted to President Aylwin (Christian Democrats), elected in December 1989 following a referendum in October 1988 which forced General Pinochet's military regime to hold elections.	In general, annual reports from Amnesty International, 2003 HoM report on torture and maltreatment and

	<p>President Frei (Christian Democrats), elected in December 1993, consolidated the democratic transition, but did not immediately succeed in abolishing the "authoritarian enclaves" left over from the dictatorship (impossibility of removing the heads of the armed forces, binominal electoral system, "appointed" senators), because of persistent opposition from the Senate.</p> <p>It was once again the "Concertación" candidate, the socialist Ricardo Lagos, who was elected President of the Republic on 16 January 2000, slightly ahead of the right-wing candidate, Joaquin Lavin (present Mayor of Santiago). President Lagos, who has completed almost two-thirds of his term of office, is very popular, particularly because of the improvement in the economic situation in Chile and the progress he has made in social matters. The opposition, which is divided and affected by recent scandals, does not yet seem to have taken advantage of the internal disputes within the government coalition.</p> <p>The local elections of October 2004 will be a test for the presidential elections of the following year. The battle for the 2005 general election is likely to be keenly fought.</p> <p>At constitutional level, the reform designed to abolish the last of the "authoritarian enclaves" is entering its final stage. Appointed senators should disappear in 2006, while the role of the army and the National Security Council should be redefined. The arrest of General Pinochet in London on 16 October 1998 initially revived tensions, then opened up dialogue on the crimes committed under the dictatorship. ("Round Table"). His resignation from his post of life senator (4/7/2002) put a final end to his career.</p>	<p>diplomatic correspondence with restricted access</p>
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2. Is there a situation of internal or international armed conflict in the country?	no	Since the restoration of democracy, Chile has been making efforts to normalise its relations with its neighbours, but tensions still exist, in particular with Bolivia on the matter of access to the sea from Bolivian territory.	
3. Is there generally and consistently no persecution as defined in Article 9 of the Qualification Directive in the country?	yes	At internal level, it is important to stress the growing importance of the claims of the Mapuche Indian community (land ownership problems/assertion of identity) which have been made possible by the return to democracy. Chilean legislation treats acts committed by Mapuche militants as acts of terrorism.	
4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?	yes	The death penalty was abolished in 2001.  The prison system is open to criticism, but a prison building programme has begun and violence by warders is on the decrease. However, there is no question of systematic or institutionalised violence. The fact that the number of appeals against police abuse more than doubled between 1990 and 2000 (from 83 to 186) rather reflects citizens' restored confidence in State institutions. Furthermore, cases of maltreatment are said to have decreased considerably in regions where reform of the penal system has come into effect.	

5. Where there is a situation of internal or international armed conflict in the country is there generally and consistently no threat by reason of indiscriminate violence in the country?	N/A		
6. Is the extent to which protection is provided against persecution or mistreatment by means of (a) – (d) below sufficient to show that there is generally and consistently no persecution or mistreatment in the country?			

(a)	the relevant laws and regulations of the country and the manner in which they are applied	yes	<p>Chile underwent a long and difficult transition period in order to rid itself of the legacy of dictatorship. The efforts of the various "Concertación" governments to ensure respect for human rights have been considerable and conclusive. In accordance with the recommendations made in July 1995 by the United Nations Committee against Torture, Chile has implemented a far-reaching reform of its judicial system, the success of which is recognised by non-governmental organisations. More recently a Public Prosecutor's Office was set up and legal prerogatives relating to investigation and the taking of evidence were transferred to it.</p> <p>Moreover, a new penal code has progressively entered into force and has been applicable throughout the country since January 2004.</p>	
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(b)	observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention	Yes	Chile is party to the main United Nations Conventions on Human Rights (Convention against Torture; women's rights, rights of the child, etc.), as well as to most inter-American agreements (Inter-American Convention on genocide and forced disappearance has not been ratified). In 1998 Chile signed the Statute of the International Criminal Court, but has not ratified it.	
(c)	respect of the non-refoulement principle according to the Geneva Convention	Yes		
(d)	provision for a system of effective remedies against violations of these rights and freedoms	Yes	There is a legal procedure covering disputed cases. There is compensation for victims of violence under the Pinochet regime.	

<b>OVERALL ASSESSMENT</b>		
1. Do you consider that the information sources listed at Annex B are sufficient for the purpose of conducting the in-depth assessment referred to by the JHA Council with regard to this country?	<b>YES/NO</b>	<b>Insert basis for response</b>
	yes	
2. If you answered no to Q 1 please specify: in which areas you consider the information sources to be insufficient; and any other sources of information available to you which would assist discussions and which you are in a position to share with other Member States (Provide website address or other details).		
3. Is the country suitable for inclusion on the minimum common list?	<b>YES/NO</b>	<b>Insert basis for response</b>
	yes	



**Assessment template**

To be completed by Member States in respect of each of the 10 countries under consideration and returned to the Council Secretariat by 8 June 2004

Name of Member State	<b>FRANCE</b>
Name of country for designation	<b>COSTA RICA</b>

<b>QUESTIONS</b>	<b>YES/NO</b>	<b>BASIS FOR RESPONSE</b>	<b>Details of supporting information sources other than those at Annex B. Please indicate if these are publicly available</b>
1. Does the country have a democratic system in place?	<b>YES</b>	Costa Rica is a stable country, with a long-standing, solid, democratic tradition anchored in its institutions and constitutional practice.	Diplomatic correspondence (restricted)

		The country is internationally recognised as a democracy in terms of all the relevant criteria (free elections, freedom of the press and the right of association, amongst others)	
2. Is there a situation of internal or international armed conflict in the country?	<b>NO</b>	The army was abolished in Costa Rica in 1949. Costa Rica played an essential role in the 1980s in restoring peace and democracy in Central America.	

<p>3. Is there generally and consistently no persecution as defined in Article 9 of the Qualification Directive in the country?</p>	<p><b>YES</b></p>	<p>No persecution of this type has been recorded in Costa Rica. Human rights are respected, which is the result of a democratic concept of public life very much rooted in custom, and the high level of education of its citizens. It is inconceivable that a person would be persecuted for his political opinions, religious beliefs or ethnic origin. Domestically, the government has committed itself to a policy of restoring traditional values (family, childhood, solidarity, work), attacking child prostitution, drugs and domestic violence. It is also combating corruption and impunity.</p>	
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4.	Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?	<b>YES</b>	No cases of torture or degrading treatment have been reported.	
5.	Where there is a situation of internal or international armed conflict in the country is there generally and consistently no threat by reason of indiscriminate violence in the country?	<b>YES</b>	There is no army in Costa Rica.	
6.	Is the extent to which protection is provided against persecution or mistreatment by means of (a) – (d) below sufficient to show that there is generally and consistently no persecution or mistreatment in the country?			
(a)	the relevant laws and regulations of the country and the manner in which they are applied	<b>YES</b>		

(b)	observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention	<b>YES</b>	In international bodies, Costa Rica defends the values specific to major democracies, whether they be disarmament, non-proliferation of weapons of mass destruction, respect for international mechanisms for the prevention and peaceful resolution of conflicts, the fight against international terrorism, the universality of international treaties defending human rights, etc. The eminent role it played in the adoption of the Optional Protocol to the Convention Against Torture, and in the setting up of the International Criminal Court deserves to be highlighted.	
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(c)	respect of the non-refoulement principle according to the Geneva Convention	<b>YES</b>	Costa Rica is a country of refuge for refugees (mainly from Columbia)	
(d)	provision for a system of effective remedies against violations of these rights and freedoms	<b>YES</b>	<p>The judicial system enables "persons deprived of liberty" to appeal to the judge responsible for the execution of sentences in the event of any violation of their rights which, although limited, are guaranteed them by the legal system. This provision seems to function well: a recent attempt to abuse a female prisoner instantly gave rise to an investigation.</p> <p>Furthermore, if this guarantee fails, there is the possibility of a "habeas corpus" type of appeal before the Constitutional Chamber of the Supreme Court of Justice</p>	

<b>OVERALL ASSESSMENT</b>		
1. Do you consider that the information sources listed at Annex B are sufficient for the purpose of conducting the in-depth assessment referred to by the JHA Council with regard to this country?	<b>YES/NO</b>	<b>Insert basis for response</b>
	<b>YES</b>	
2. If you answered no to Q 1 please specify: in which areas you consider the information sources to be insufficient; and any other sources of information available to you which would assist discussions and which you are in a position to share with other Member States (Provide website address or other details).		
3. Is the country suitable for inclusion on the minimum common list?	<b>YES/NO</b>	<b>Insert basis for response</b>
	<b>YES</b>	

**Assessment template**

To be completed by Member States in respect of each of the 10 countries under consideration and returned to the Council Secretariat by 8 June 2004

Name of Member State	FRANCE
Name of country for designation	GHANA

<b>QUESTIONS</b>	<b>YES/NO</b>	<b>BASIS FOR RESPONSE</b>	<b>Details of supporting information sources other than those at Annex B. Please indicate if these are publicly available</b>
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1. Does the country have a democratic system in place?	<b>YES</b>	<p>Political life in Ghana is not restricted and there was a changeover of political power in 2000 when J. Rawlings stepped down and J.A.Kufuor was democratically and peacefully elected.</p> <p>In their form and operation, the Constitution, institutions and judicial system are those of a democracy.</p>	Constitution, CIA world factbook, restricted-access diplomatic correspondance
2. Is there a situation of internal or international armed conflict in the country?	<b>NO</b>	The prevention of regional conflicts, integration of the sub-region, maintaining internal stability and the fight against corruption are President Kufuor's main objectives.	

<p>3. Is there generally and consistently no persecution as defined in Article 9 of the Qualification Directive in the country?</p>	<p><b>YES</b></p>	<p>No reported cases of persecution; the country is not mentioned in Amnesty International's annual report.</p> <p>Freedom of worship is very much a reality: although inter-ethnic conflicts do flare up occasionally, particularly in the North (in 1994 and since March 2002 in Yendi), relations between the Sunni Muslims (20% to 30% of the population) and members of the various Christian denominations are generally good, even in the North where Muslims form the majority and the poorest and least educated sector of the population is to be found.</p>	
<p>4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?</p>	<p><b>YES</b></p>	<p>A National Reconciliation Commission was set up at the beginning of 2003 in order to achieve closure on the acts of violence perpetrated by the earlier authoritarian regimes.</p>	

<p>5. Where there is a situation of internal or international armed conflict in the country is there generally and consistently no threat by reason of indiscriminate violence in the country ?</p>	<p><b>YES</b></p>	<p>The authorities' commitment to good governance (seeking to ensure transparency in government activity through regular communication with the public, respect for freedom of expression), and the feeling that the main aim of government activity is to improve general well-being, mean that political life in Ghana is peaceful.</p>		
<p>6. Is the extent to which protection is provided against persecution or mistreatment by means of (a) – (d) below sufficient to show that there is generally and consistently no persecution or mistreatment in the country?</p>	<p>Respect for <u>human rights</u> is increasing and judicial institutions are functioning better. Their progress is monitored by the Ghanaian Commission on Human Rights and Administrative Justice described by Human Rights Watch as one of the best institutions protecting human rights in Africa. It was set up by the 1992 Constitution and was a key factor in the democratic transition of the country. It launches investigations into complaints of violation of fundamental rights and freedoms, cases of unequal access to recruitment procedures and allegations of corruption; and takes measures to put right such abuses. This Commission also has the task of educating the public in human-rights matters. The institution is effective and recognised, and regarded as legitimate by Ghanaians. Access to the courts and a fair trial are guaranteed by this means.</p>			
<p>(a)</p>	<p>the relevant laws and regulations of the country and the manner in which they are applied</p>	<p><b>YES</b></p>	<p>Human rights are enshrined in the Constitution and the laws. Application of these texts by the courts shows that such rights are effectively safeguarded.</p>	

(b)	observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention	<b>YES</b>		
(c)	respect of the non-refoulement principle according to the Geneva Convention			
(d)	provision for a system of effective remedies against violations of these rights and freedoms	<b>YES</b>	The Commission on Human Rights functions as an appeal body.	

<b>OVERALL ASSESSMENT</b>		
1. Do you consider that the information sources listed at Annex B are sufficient for the purpose of conducting the in-depth assessment referred to by the JHA Council with regard to this country?	<b>YES/NO</b>	<b>Insert basis for response</b>
	<b>YES</b>	
2. If you answered no to Q 1 please specify: in which areas you consider the information sources to be insufficient; and any other sources of information available to you which would assist discussions and which you are in a position to share with other Member States (Provide website address or other details).		
3. Is the country suitable for inclusion on the minimum common list?	<b>YES/NO</b>	<b>Insert basis for response</b>
	<b>YES</b>	

**Assessment template**

To be completed by Member States in respect of each of the 10 countries under consideration and returned to the Council Secretariat by 8 June 2004

Name of Member State	FRANCE
Name of country for designation	MALI

<b>QUESTIONS</b>	<b>YES/NO</b>	<b>BASIS FOR RESPONSE</b>	<b>Details of supporting information sources other than those at Annex B. Please indicate if these are publicly available</b>
1. Does the country have a democratic system in place?	YES	Mali's Constitution and institutional practice. Ten years after the transition under General Amadou Toumani Touré, Mali's democracy is a	Diplomatic correspondence with restricted access.

		<p>point of reference in a troubled regional environment.</p> <p>Since 1991 when the country was opened up to democracy, the institutions have functioned properly. Freedom of expression, enshrined in the Constitution, is full and complete.</p> <p>There is full political and trade union freedom. However, religious parties are banned.</p>	
2. Is there a situation of internal or international armed conflict in the country?	NO		
3. Is there generally and consistently no persecution as defined in Article 9 of the Qualification Directive in the country?	YES	<p>The 1992 Constitution guarantees “the rights and duties of the human person ...”.</p> <p>Mali has become a point of reference in the subregion for its respect of human rights, trade union rights, freedom of</p>	<p>Mali does not figure in Amnesty International’s annual report</p>

		the press and religious freedom. There are no political prisoners.	
4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?	YES	Although the death penalty has not been abolished, it has not been applied since 1980.	
5. Where there is a situation of internal or international armed conflict in the country is there generally and consistently no threat by reason of indiscriminate violence in the country?	N/A		



6.	Is the extent to which protection is provided against persecution or mistreatment by means of (a) – (d) below sufficient to show that there is generally and consistently no persecution or mistreatment in the country?	<p>Not applicable to Mali.</p> <p>The weakness is the fight against genital mutilation. Laws prohibiting and punishing such attacks on physical integrity exist. The weight of tradition is the only obstacle to their implementation. Such practices are generally concealed.</p>		
(a)	the relevant laws and regulations of the country and the manner in which they are applied	NO and YES	<p>NO in the case of genital mutilation (see above, the relevant legislation is protective)</p> <p>YES in the case of the death penalty, which, although not abolished, is no longer applied.</p>	

(b)	observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention	NO	Mali's Constitution guarantees respect for human rights and incorporates the general principles of the European Convention referred to.	
(c)	respect of the non-refoulement principle according to the Geneva Convention			
(d)	provision for a system of effective remedies against violations of these rights and freedoms			

<b>OVERALL ASSESSMENT</b>		
1. Do you consider that the information sources listed at Annex B are sufficient for the purpose of conducting the in-depth assessment referred to by the JHA Council with regard to this country?	<b>YES/NO</b>	<b>Insert basis for response</b>
	NO	The list is incomplete
2. If you answered no to Q 1 please specify: in which areas you consider the information sources to be insufficient; and any other sources of information available to you which would assist discussions and which you are in a position to share with other Member States (Provide website address or other details).	Amnesty International	
3. Is the country suitable for inclusion on the minimum common list?	<b>YES/NO</b>	<b>Insert basis for response</b>
	<b>YES</b>	

**Assessment template**

To be completed by Member States in respect of each of the 10 countries under consideration and returned to the Council Secretariat by 8 June 2004

Name of Member State	FRANCE
Name of country for designation	MAURITIUS

QUESTIONS	YES/NO	BASIS FOR RESPONSE	Details of supporting information sources other than those at Annex B. Please indicate if these are publicly available
1. Does the country have a democratic system in place?	YES	<ul style="list-style-type: none"> <li>▪ Free and transparent elections</li> <li>▪ Alternation of power (1982,1995 and 2000)</li> <li>▪ Multiple political parties, freedom of expression and assembly</li> <li>▪ Separation of powers,</li> </ul>	<ul style="list-style-type: none"> <li>▪ Diplomatic correspondence with restricted access</li> <li>▪ Freely available constitutional texts</li> </ul>

		independent judiciary <ul style="list-style-type: none"> <li>▪ Free and independent press</li> </ul>	
2. Is there a situation of internal or international armed conflict in the country?	NO		
3. Is there generally and consistently no persecution as defined in Article 9 of the Qualification Directive in the country?	YES	<ul style="list-style-type: none"> <li>▪ Rights and freedoms are guaranteed under the Constitution and by the judiciary</li> </ul>	<ul style="list-style-type: none"> <li>▪ Diplomatic correspondence</li> </ul>
4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?	YES	<ul style="list-style-type: none"> <li>▪ Torture and degrading treatment are not practised</li> <li>▪ However, allegations of brutality are made against the police from time to time</li> </ul>	<ul style="list-style-type: none"> <li>▪ Diplomatic correspondence</li> <li>▪ Humanitarian organisations have regular access to prisons and can express their views, particularly in the press</li> </ul>
5. Where there is a situation of internal or international armed conflict in the country is there generally and consistently no threat by reason of indiscriminate violence in the country?	N/A		

6.	Is the extent to which protection is provided against persecution or mistreatment by means of (a) – (d) below sufficient to show that there is generally and consistently no persecution or mistreatment in the country?	<ul style="list-style-type: none"> <li>▪ YES</li> </ul>		
(a)	The relevant laws and regulations of the country and the manner in which they are applied	YES	See list on page 53***	
(b)	Observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention	YES		
(c)	Respect of the non-refoulement principle according to the Geneva Convention	-		

(d)	Provision for a system of effective remedies against violations of these rights and freedoms	-	<ul style="list-style-type: none"> <li>▪ Effective independence of the judiciary*</li> <li>▪ A Human Rights Commission was set up in April 2002 and launched investigations into allegations of police misconduct</li> <li>▪ In general, the free press, a heterogeneous and active parliament, and the independent judiciary form an effective counterbalance and provide protection for citizens</li> <li>▪ The Ministry of Women's Rights is very active in Mauritius. The law on discrimination against women received unanimous support from the Assembly in 2002.</li> <li>▪ However, particularly repressive police and judicial measures have been adopted as part of the fight against terrorism and drug trafficking**</li> </ul> <p>Source : Diplomatic correspondence</p>
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\* : Examples: in November 2002 the Supreme Court placed the Government in a difficult position by ruling in favour of the representative of Indian teachers and against the Ministry of Education in relation to places reserved for Catholic pupils in denominational schools; in November 2003 the Director of Public Prosecutions decided, as authorised by the Constitution and to the surprise of the political world, to release Mr Ceal Meeah, leader of the Mauritian Hizbullah party, who had been charged with serious crimes.

\*\* : In relation to the fight against drug trafficking, the severity of sentences has nothing in common with the French penal code. There is no concurrent sentencing or remission of sentences, and individuals can be held in provisional detention without trial for long periods.

As regards the fight against terrorism, the Prevention of Terrorism Act authorises the detention in solitary confinement for up to 36 hours of persons suspected of terrorist activity (such a provision already existed for persons suspected of drug trafficking) and curtails the right of asylum in relation to these persons. The former President of the Republic (a member of the Muslim community) resigned in February 2002 in protest against the adoption of this law.

\*\*\* : LIST (non-exhaustive) OF MAURITIAN LEGAL TEXTS AND HUMAN RIGHTS STRUCTURES

1/ General framework

- Protection of Human Rights Act (December 1998) : established in particular the Human Rights Commission and the witness protection scheme
- Ombudsman Act (Constitutional basis, Article IX of the Constitution)
- Electoral Commissioner's Office Act
- Civil Status Act

The death penalty has been abolished.

2/ Women's rights

- Sex Discrimination Bill
- Domestic Violence Act : protects women (and children) against all forms of violence, intimidation, harassment and abuse.
- National Gender Action Plan (1999-2006): structure established in 1998 following the International Conference on Women in 1995 in Beijing, with the objective of promoting equality between men and women and women's rights.
- The remit of the Ministry of Women's Rights, Child Development and Family Welfare includes measures to emancipate women in the social, educational, training, cultural and economic spheres.
- There are ten family and women's centres, as well as the National Women's Council, which was set up in 1985 and groups together some 900 women's associations. The National Council is represented at local level by five regional councils, which coordinate the actions and initiatives of these associations.

3/ Children's rights

- The National Children's Council is a semi-public body set up in 1990 by an Act of Parliament. Its objectives are to coordinate the activities of organisations working towards the welfare of children, to identify actions and projects and to establish contacts with similar organisations at international level.

4/ The following should be noted:

There are plans to set up a Family Court (to conduct investigations more effectively and to take account of the special nature of cases involving minors). Finally, there is a National Agency for the Treatment and Rehabilitation of Substance Abusers.



<b>OVERALL ASSESSMENT</b>		
1. Do you consider that the information sources listed at Annex B are sufficient for the purpose of conducting the in-depth assessment referred to by the JHA Council with regard to this country?	<b>YES/NO</b>	<b>Insert basis for response</b>
	YES	
2. If you answered no to Q 1 please specify: in which areas you consider the information sources to be insufficient; and any other sources of information available to you which would assist discussions and which you are in a position to share with other Member States (Provide website address or other details).	Two comments: <ul style="list-style-type: none"> <li>▪ There are recent UNHCHR documents, particularly on the work of the Committee on the Elimination of Racial Discrimination (which is an important issue in Mauritius).</li> <li>▪ Some of the information mentioned on the Internet pages listed (relating to the riots in 1999 and the anti-terrorism laws in 2002) is not recent. The 2004 Amnesty report does not mention Mauritius.</li> </ul>	
3. Is the country suitable for inclusion on the minimum common list?	<b>YES/NO</b>	<b>Insert basis for response</b>
	YES	

**Assessment template**

To be completed by Member States in respect of each of the 10 countries under consideration and returned to the Council Secretariat by 8 June 2004

Name of Member State	FRANCE
Name of country for designation	SENEGAL

<b>QUESTIONS</b>	<b>YES/NO</b>	<b>BASIS FOR RESPONSE</b>	<b>Details of supporting information sources other than those at Annex B. Please indicate if these are publicly available</b>
1. Does the country have a democratic system in place?	YES	The presidential election in February and March 2000 gave the country its first taste of a changeover of political power since independence when Mr	Diplomatic correspondence with restricted access

		<p>Abdoulaye Wade defeated President Abdou Diouf, in power since 1981. The changeover in March 2000 strengthened a tradition of tolerance and respect for fundamental freedoms. President Wade enjoyed further success in the 2001 parliamentary elections. By contrast the opposition managed to regain ground in the 2002 municipal, rural and regional elections.</p> <p>More often than not election time creates friction between the political parties. The spate of scandals that has hit politics in recent months is set against a backdrop of tension between government and opposition.</p>	
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		<p>This has not, however, posed a threat to democracy and fundamental freedoms.</p> <p>- In October 2003 an opposition figure, Talla Sylla, fell victim to a hammer attack after voicing harsh criticism of the regime. The opposition had no difficulty in organising a rally to protest at the fact that the attack had gone unpunished. The authorities denied all involvement and promised a thorough investigation. The courts were brought in and the plaintiff's lawyers recently declared themselves satisfied with the way in which the inquiry was moving.</p> <p>- Some prominent opposition figures, along with Senegal's</p>	
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		<p>bishops, have received death threats. The authorities have taken steps to protect those concerned (by assigning bodyguards to them) and have speeded up the inquiries.</p> <p>Politicians still enjoy full freedom of expression, as evidenced by the fact that Talla Sylla has been free to publicly accuse the President of Senegal himself of ordering the attack on him. The media are also largely free to express their views.</p>	
<p>2. Is there a situation of internal or international armed conflict in the country?</p>	<p>YES</p>	<p>In the Casamance region (see below)</p>	

<p>3. Is there generally and consistently no persecution as defined in Article 9 of the Qualification Directive in the country?</p>	<p>YES</p>	<p>A model of harmonious coexistence between ethnic groups and faiths, Senegal is not cited in the latest annual report by the IFHR. Although political tension sometimes causes them concern, human rights NGOs are by and large satisfied with the development of the human rights situation in Senegal, including the Casamance region.</p>	
<p>4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?</p>	<p>YES</p>	<p>A study into torture conducted by the European heads of mission in Dakar in spring 2003 found that there had been no instances of torture in Senegal since 2000. Although no work on human rights has been commissioned or conducted, regular cooperation between France and the Senegalese police has shown that the latter</p>	

		<p>abides by the procedures in force, including police custody periods, and is not guilty of ill-treatment.</p> <p>In its 2003 report, relating to 2003, Amnesty International refers only to the Casamance region, where the conduct of the Senegalese military has nonetheless improved considerably in recent years since the army regained control and underwent restructuring. During his time in opposition President Wade was imprisoned with detainees from the Casamance region, and this has undoubtedly impacted on the government's willingness to ensure better respect for human rights.</p>	
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<p>5. Where there is a situation of internal or international armed conflict in the country is there generally and consistently no threat by reason of indiscriminate violence in the country?</p>	<p>YES</p>	<p>There has been a definite lull in the conflict in the Casamance region, which dates back more than 20 years, with the number of deaths having fallen from 80 in 2002 to only 20 in 2003 and with very few incidents having been reported in recent months. That said, the authorities are keeping a very close eye on anything that might trouble their handling of the conflict, with the press under particularly close scrutiny. This is illustrated by the expulsion of the Radio France Internationale (RFI) correspondent, and journalists are occasionally summoned to report to the criminal investigations</p>	
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		<p>directorate. Nonetheless, the increase in the number of press articles on the conflict in 2003 is evidence of a rather more relaxed attitude on the part of the regime.</p> <p>It is difficult to gauge clearly the level of persecution on political grounds in the Casamance region (Amnesty International has reported the arrest of alleged members of the Movement of Democratic Forces of Casamance, or MFDC) because of the presence in Ziguinchor of the separatist movement's civilian leaders, some of whom oppose the current process, and the aid given by the authorities to the <i>maquisards</i> to dissuade them</p>	
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		<p>from looting. Recent developments in the process have resulted in a relaxation of military checks in the region and greater freedom of movement for the rebels.</p>	
<p>6. Is the extent to which protection is provided against persecution or mistreatment by means of (a) – (d) below sufficient to show that there is generally and consistently no persecution or mistreatment in the country?</p>			

(a)	the relevant laws and regulations of the country and the manner in which they are applied	YES	<p>The Preamble to the Constitution, which was approved by referendum on 7 January 2001, highlights Senegal's commitment to upholding and strengthening the rule of law in which the State and the citizen are subject to the same legal rules under the supervision of an independent and impartial judiciary. It also sanctions public freedoms and respect for the human person. In this regard Article 7 of the Constitution stipulates that</p> <p>the human person is sacred and inviolable. The State has the obligation to respect and protect the human person. Every individual has the right to life, liberty, security, free development of his or her personality, physical integrity and especially the right to protection against physical mutilation. The Senegalese people acknowledge inviolable and inalienable human rights as the foundation of every community, of peace and of justice in the world.</p>	
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(b)	observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention	YES	<p>The Constitution proclaims the country's espousal of the Declaration of the Rights of Man and of the Citizen of 1789, the Universal Declaration of Human Rights of 1948, the Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1989, the Convention on the Rights of the Child of 20 November 1989, and the African Charter on Human and Peoples' Rights of 27 June 1981.</p> <p>Senegal has also ratified the New York Convention of 10 December 1984 against torture. Furthermore, on 2 February 1999 it became the first State to ratify the Rome Statute establishing the International Criminal Court.</p>	
(c)	respect of the non-refoulement principle according to the Geneva Convention	YES		

(d)	provision for a system of effective remedies against violations of these rights and freedoms	YES	<p>Senegal has established institutions to guarantee proper compliance with all texts, i.e. the Constitution, international conventions and laws.</p> <ul style="list-style-type: none"> <li>- The Constitutional Council, responsible for issuing rulings on all electoral disputes and verifying that laws and international agreements are constitutional;</li> <li>- The Council of State, whose rulings mainly concern actions for abuse of authority challenging administrative decisions;</li> <li>- The Court of Appeal, responsible for verifying the legality of arrests and judgments handed down by lower courts. As of this year "Maisons de justice et du droit" (law centres), designed to provide citizens with better access to justice, will be set up to provide lower-tier support for the Court.</li> </ul> <p>Furthermore, a courts inspectorate and a Court of Auditors have been operating since 1995 and 1999 respectively.</p>	
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<b>OVERALL ASSESSMENT</b>		
1. Do you consider that the information sources listed at Annex B are sufficient for the purpose of conducting the in-depth assessment referred to by the JHA Council with regard to this country?	<b>YES/NO</b>	<b>Insert basis for response</b>
	YES	
2. If you answered no to Q 1 please specify: in which areas you consider the information sources to be insufficient; and any other sources of information available to you which would assist discussions and which you are in a position to share with other Member States (Provide website address or other details).		
3. Is the country suitable for inclusion on the minimum common list?	<b>YES/NO</b>	<b>Insert basis for response</b>
	YES	

**Assessment template**

To be completed by Member States in respect of each of the 10 countries under consideration and returned to the Council Secretariat by 8 June 2004

Name of Member State	FRANCE
Name of country for designation	URUGUAY

<b>QUESTIONS</b>	<b>YES/NO</b>	<b>BASIS FOR RESPONSE</b>	<b>Details of supporting information sources other than those at Annex B. Please indicate if these are publicly available</b>
1. Does the country have a democratic system in place?	YES	Uruguay is a stable democracy of long standing, based on a secular Republican model. Since the beginning of the 20th century it has experienced only one period of dictatorship,	Diplomatic correspondence with restricted access and annual reports from Amnesty International, 2003 HoM report

		<p>between 1973 and 1985, in a very specific regional context.</p> <p>Since the return to democracy, elections have taken place in a transparent manner. All political, civil, economic and social freedoms are guaranteed, as the various international reports acknowledge. There is relatively little corruption. The Uruguayan political system is designed to enable the participation of the greatest number: existence of a – very frequently used – procedure for referendum by popular initiative, attempt to achieve consensus.</p>	<p>on torture and maltreatment (2004 report in progress).</p>
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2. Is there a situation of internal or international armed conflict in the country?	NO		
3. Is there generally and consistently no persecution as defined in Article 9 of the Qualification Directive in the country?	YES	Since the end of the military government in 1985, there has been no political, religious or racial persecution in Uruguay.	
4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?	YES	<p>The death penalty was abolished in 1904. No cases of torture have been reported since the return to democracy in 1985.</p> <p>Criticisms levelled against Uruguay with regard to the human rights situation relate mainly to the period of military dictatorship (1973-1985). Crimes committed at that time still continue to be a source of tension and, despite the existence of the "<i>Peace Commission</i>" set up in August 2000 to shed light on the fate of those who had disappeared, most of those responsible for breaches of human rights remain unpunished.</p> <p>In addition, attention has been</p>	

		drawn to the poor prison conditions. These are due mainly to the country's budgetary problems, which have led to a lack of training for warders and overcrowding in prisons (220% of capacity).	
5. Where there is a situation of internal or international armed conflict in the country is there generally and consistently no threat by reason of indiscriminate violence in the country?	N/A		

6. Is the extent to which protection is provided against persecution or mistreatment by means of (a) – (d) below sufficient to show that there is generally and consistently no persecution or mistreatment in the country?				
(a)	the relevant laws and regulations of the country and the manner in which they are applied	YES	Respect for human rights is enshrined in the 1997 Constitution. Although often criticised for its slowness, the Uruguayan justice system is truly independent. Criminal law in Uruguay is based on the Romano-Germanic system. The code of criminal procedure provides for all essential rights of defence.	

(b)	observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention	YES	Uruguay has ratified most international or regional human rights conventions, as well as the Statute of the International Criminal Court (June 2002).	
(c)	respect of the non-refoulement principle according to the Geneva Convention	YES		
(d)	provision for a system of effective remedies against violations of these rights and freedoms	YES	Several remedies are provided for. The Penal Code punishes abuses of authority by public officials and servants and against prison inmates.	

<b>OVERALL ASSESSMENT</b>		
1. Do you consider that the information sources listed at Annex B are sufficient for the purpose of conducting the in-depth assessment referred to by the JHA Council with regard to this country?	<b>YES/NO</b>	<b>Insert basis for response</b>
	YES	
2. If you answered no to Q 1 please specify: in which areas you consider the information sources to be insufficient; and any other sources of information available to you which would assist discussions and which you are in a position to share with other Member States (Provide website address or other details).		
3. Is the country suitable for inclusion on the minimum common list?	<b>YES/NO</b>	<b>Insert basis for response</b>
	YES	

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